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20 December 1991

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Forty-sixth session
Agenda item 120

FINANCING OF THE UNITED NATIONS ANGOLA VERIFICATION MISSION

Report of the Fifth Committee

Rapporteur: Mr. Mahmoud BARIMANI (Islamic Republic of Iran)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-sixth session the item entitled "Financing of the United Nations Angola Verification Mission" and to allocate it to the Fifth Committee.

2. At its 55th meeting, on 18 December 1991, the Fifth Committee considered the report of the Secretary-General on the financing of the United Nations Angola Verification Mission (A/46/759) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/46/774).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/46/L.11

3. At the 57th meeting, on 20 December 1991, the representative of Canada introduced a draft resolution (A/C.5/46/L.11).

4. At the same meeting, the Committee adopted draft resolution A/C.5/46/L.11 without a vote.

5. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (see A/C.5/46/SR.55 and 57).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Angola Verification Mission

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Angola Verification Mission 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

Bearing in mind Security Council resolution 626 (1988) of 20 December 1988 by which the Council established the United Nations Angola Verification Mission as well as Council resolution 696 (1991) of 30 May 1991 by which the Council decided to entrust a new mandate to the United Nations Angola Verification Mission (henceforth known as United Nations Angola Verification Mission II) and to establish the Verification Mission for a period of seventeen months,

Reaffirming that the costs of the Verification Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Verification Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Verification Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolution of the Security Council,

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1/ A/46/759.

2/ A/46/774.

1. Concurs with the observations, recommendations and conclusions contained in the report of the Advisory Committee on Administrative and Budgetary Questions; 2/

2. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Angola Verification Mission in full and on time;

3. Decides to appropriate at this stage to the Special Account an amount of 42,876,720 United States dollars gross (42,062,000 dollars net); and decides to authorize the Secretary-General to enter into commitments up to 10,719,180 dollars gross (10,515,500 dollars net) with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for the operation of the Verification Mission for the period from 1 January to 31 October 1992;

4. Decides also, as an ad hoc arrangement, to apportion the amounts indicated in paragraph 3 above among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989 and resolution 45/246 of 21 December 1990 and taking into account the scale of assessments for the years 1992, 1993 and 1994; 3/

5. Decides further that the Democratic People's Republic of Korea shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Verification Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

6. Decides that Estonia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Verification Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

7. Decides also that the Federated States of Micronesia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Verification Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

8. Decides further that Latvia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and

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3/ See resolutions 46/___.

that its contribution to the Verification Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

9. Decides that Lithuania shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Verification Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

10. Decides also that the Marshall Islands shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Verification Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

11. Decides further that the Republic of Korea shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Verification Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

12. Decides that, in accordance with regulation 5.2 (c) of the Financial Regulations of the United Nations, the contributions to the United Nations Angola Verification Mission until 31 December 1991 of the Member States referred to in paragraphs 6 to 11 of this resolution shall be treated as miscellaneous income to be set off against the apportionments authorized in paragraph 4 of the present resolution;

13. Decides also that the unencumbered balance of appropriation and the interest and miscellaneous income shall be retained in the Special Account in light of the outstanding assessed contributions;

14. Invites voluntary contributions to the Verification Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolution 44/192 A of 21 December 1989;

15. Requests the Secretary-General to take all necessary action to ensure that the United Nations Angola Verification Mission II is administered with a maximum of efficiency and economy.

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Agenda item 122

FINANCING OF THE UNITED NATIONS OBSERVER GROUP IN CENTRAL AMERICA

Report of the Fifth Committee

Rapporteur: Mr. Mahmoud BARIMANI (Islamic Republic of Iran)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda item of its forty-sixth session the item entitled "Financing of the United Nations Observer Group in Central America" and to allocate it to the Fifth Committee.

2. At its 55th meeting, on 18 December 1991, the Fifth Committee considered the report of the Secretary-General on the financing of the United Nations Observer Group in Central America (A/46/745) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/46/767).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/46/L.12

3. At the 57th meeting, on 20 December, the representative of Canada introduced a draft resolution (A/C.5/46/L.12).

4. At the same meeting, the Committee adopted draft resolution A/C.5/46/L.12 without a vote.

5. Statements and observations made in the course of the Committee's consideration of this item are reflected in the relevant summary records (see A/C.5/46/SR.55 and 57).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Observer Group in Central America

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Group in Central America 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

Bearing in mind Security Council resolution 644 (1989) of 7 November 1989, by which the Council established the United Nations Observer Group in Central America and the subsequent resolutions by which the Council extended the mandate of the Group, the latest of which was resolution 719 (1991) of 6 November 1991,

Reaffirming that the costs of the United Nations Observer Group in Central America are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the United Nations Observer Group in Central America, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the United Nations Observer Group in Central America by certain Member States,

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1/ A/46/745.

2/ A/46/767.

Mindful of the fact that it is essential to provide the United Nations Observer Group in Central America with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Concurs with the observations, recommendations and conclusions contained in the report of the Advisory Committee on Administrative and Budgetary Questions; 2/

2. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Observer Group in Central America in full and on time;

3. Decides to appropriate to the Special Account the amount of 14,400,400 United States dollars gross (13,898,800 dollars net) authorized by the General Assembly and apportioned in paragraph 9 of Assembly resolution 45/247 of 21 December 1990 for the operation of the United Nations Observer Group in Central America for the period from 7 May to 7 November 1991, inclusive;

4. Decides also that there shall be set off against the apportionment among Member States for the period 7 May to 7 November 1991, as provided for in paragraph 3 above, their respective share in the unencumbered balance of 5,400,400 dollars gross (5,398,800 dollars net) in respect of the period from 7 November 1990 to 7 May 1991, inclusive;

5. Decides further to appropriate to the Special Account an amount of 12,408,700 dollars gross for the operation of the United Nations Observer Group in Central America for the period from 7 November 1991 to 30 April 1992, inclusive;

6. Decides, as an ad hoc arrangement, to apportion the amount of 12,408,700 dollars for the above-mentioned period among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by Assembly resolution 44/192 B of 21 December 1989 and General Assembly resolution 45/247; the scale of assessments for the year 1991, 3/ shall be applied against a portion thereof, that is, 3,828,970 dollars, being the amount pertaining on a pro rata basis to the period ending 31 December 1991, and the scale of assessments for the year 1992 4/ shall be applied against the balance, that is 8,579,730 dollars, for the period thereafter, 1 January to 30 April 1992, inclusive;

3/ See resolutions 43/223, 45/256 B and 46/___.

4/ Resolution 46/___.

7. Decides also that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 5 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 408,700 dollars approved for the period from 7 November 1991 to 30 April 1992, inclusive; that is 126,110 dollars, being the amount pertaining on a pro rata basis to the period ending 31 December 1991, and the balance, that is 282,590 dollars, for the period thereafter, 1 January to 30 April 1992, inclusive;

8. Decides further that the Democratic People's Republic of Korea shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Group shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

9. Decides that Estonia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Group shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

10. Decides also that the Federated States of Micronesia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Group shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

11. Decides further that Latvia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Group shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

12. Decides that Lithuania shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Group shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

13. Decides also that the Marshall Islands shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Group shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

14. Decides further that the Republic of Korea shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly

resolution 43/232 and that its contribution to the Group shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

15. Decides that, in accordance with regulation 5.2 (c) of the Financial Regulations of the United Nations, the contributions to the United Nations Observer Group in Central America until 7 November 1991 of the Member States referred to in paragraphs 8 to 14 of the present resolution shall be treated as miscellaneous income to be set off against the apportionments authorized in paragraph 6 of the present resolution;

16. Authorizes the Secretary-General to enter into commitments for the United Nations Observer Group in Central America at a rate not to exceed 2,071,000 dollars gross (2,000,000 dollars net) per month for the period from 1 May 1992 to 30 April 1993, inclusive, should the Security Council decide to continue the Group beyond the period of five months and twenty-three days authorized under its resolution 719 (1991), the said amount to be appropriated among Member States in accordance with the scheme set out in the present resolution;

17. Decides that the unencumbered balance of appropriation and the interest and miscellaneous income shall be retained in the Special Account in light of the outstanding assessed contributions;

18. Invites voluntary contributions to the United Nations Observer Group in Central America in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by General Assembly resolution 44/192 A of 21 December 1989;

19. Requests the Secretary-General to take all necessary action to ensure that the United Nations Observer Group in Central America is administered with a maximum of efficiency and economy.

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FINANCING OF THE ACTIVITIES ARISING FROM SECURITY COUNCIL RESOLUTION 687 (1991): UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION

Report of the Fifth Committee

Rapporteur: Mr. Mahmoud BARIMANI (Islamic Republic of Iran)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-sixth session the item entitled:

> "Financing of the activities arising from Security Council resolution 687 (1991):
>
> "(a) United Nations Iraq-Kuwait Observation Mission;
>
> "(b) Other activities"

and to allocate it to the Fifth Committee.

2. At its 51st meeting, on 13 December 1991, the Fifth Committee considered the report of the Secretary-General on the financing of the United Nations Iraq-Kuwait Observation Mission (A/46/746) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/46/769).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/46/L.7

3. At its 57th meeting, on 20 December 1991, the representative of Canada introduced draft resolution A/C.5/46/L.7.

4. At that meeting, the Committee adopted the draft resolution without a vote (see para. 6).

5. Statements and observations made in the course of the Committee's consideration of this item are reflected in the relevant summary records (see A/C.5/46/SR.51 and 57).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Iraq-Kuwait Observation Mission

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Iraq-Kuwait Observation Mission, 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

Bearing in mind Security Council resolutions 687 (1991) and 689 (1991) of 3 and 9 April 1991, respectively, by which the Council decided to set up the United Nations Iraq-Kuwait Observation Mission and to review the question of its termination or continuation every six months,

Recalling its resolution 45/260 of 3 May 1991 on the financing of the Observation Mission,

Reaffirming that the costs of the Observation Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decision regarding the fact that, in order to meet the expenditures caused by the Observation Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

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1/ A/46/746.

2/ A/46/769.

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Observation Mission by certain Governments,

Mindful of the fact that it is essential to provide the Observation Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Concurs with the observations, recommendations and conclusions contained in the report of the Advisory Committee on Administrative and Budgetary Questions; 2/

2. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Iraq-Kuwait Observation Mission in full and on time;

3. Decides to appropriate to the Special Account referred to in General Assembly resolution 45/260 an amount of 33,600,000 United States dollars gross (32,649,000 dollars net) for the operation of the Observation Mission from 9 October 1991 to 8 April 1992, inclusive;

4. Decides also, as an ad hoc arrangement, to apportion the amount of 33,600,000 dollars gross for the above-mentioned period among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989 and 45/260 of 3 May 1991; the scale of assessments for the year 1991 3/ shall be applied against a portion thereof, that is, 15,423,000 dollars gross, being the amount pertaining on a pro rata basis to the period ending 31 December 1991, and the scale of assessments for the year 1992 4/ shall be applied against the balance, that is, 18,177,000 dollars gross, for the period thereafter, 1 January to 8 April 1992, inclusive;

5. Decides further that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 4 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 951,000 dollars approved for the period from 9 October 1991 to 8 April 1992, inclusive; that is, 437,000 dollars, being the amount pertaining on a pro rata basis to the period ending 31 December 1991,

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3/ See resolutions 43/223, 45/256 B and 46/_____.

4/ Resolution 46/_____.

and the balance, that is, 514,000 dollars, for the period thereafter, 1 January to 8 April 1992, inclusive;

6. Decides that the Democratic People's Republic of Korea shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Iraq-Kuwait Observation Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

7. Decides also that Estonia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Iraq-Kuwait Observation Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

8. Decides further that the Federated States of Micronesia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Iraq-Kuwait Observation Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

9. Decides that Latvia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Iraq-Kuwait Observation Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

10. Decides also that Lithuania shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Iraq-Kuwait Observation Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

11. Decides further that the Marshall Islands shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Iraq-Kuwait Observation Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

12. Decides that the Republic of Korea shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Iraq-Kuwait Observation Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 4/

13. Decides also that, in accordance with regulation 5.2 (c) of the Financial Regulations of the United Nations, the contributions to the Observation Mission until 8 October 1991 of the Member States referred to in paragraphs 6 to 12 of the present resolution shall be treated as miscellaneous income to be set off against the apportionments authorized in paragraph 4 of the present resolution;

14. Authorizes the Secretary-General to enter into commitments for the Observation Mission at a rate not to exceed 5,600,000 United States dollars gross (5,441,500 dollars net) per month, subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, for the period from 9 April to 8 October 1992, inclusive, should the Security Council decide to continue the Mission beyond 8 April 1992, the said amounts to be apportioned among Member States in accordance with the scheme set out in the present resolution;

15. Decides to retain the unencumbered balance in the Special Account for the United Nations Iraq-Kuwait Observation Mission;

16. Invites voluntary contributions to the United Nations Iraq-Kuwait Observation Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolution 44/192 A of 21 December 1989;

17. Requests the Secretary-General to take all necessary action to ensure that the Observation Mission is administered with a maximum of efficiency and economy.

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NATIONS

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Forty-sixth session
Agenda item 146

FINANCING OF THE UNITED NATIONS ADVANCE MISSION IN CAMBODIA

Report of the Fifth Committee

Rapporteur: Mr. Mahmoud BARIMANI (Islamic Republic of Iran)

I. INTRODUCTION

1. At its 39th plenary meeting, on 4 November 1991, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda item of its forty-sixth session the item entitled "Financing of the United Nations Advance Mission in Cambodia" and to allocate it to the Fifth Committee.

2. At its 51st meeting, on 13 December 1991, the Fifth Committee considered the report of the Secretary-General on the financing of the United Nations Advance Mission in Cambodia (A/46/723) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/46/763).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/46/L.6

3. At its 57th meeting, on 20 December 1991, the representative of Canada introduced draft resolution A/C.5/46/L.6.

4. At that meeting, the Committee adopted draft resolution A/C.5/46/L.6 without a vote (see para. 6).

5. Statements and observations made in the course of the Committee's consideration of this item are reflected in the relevant summary records (see A/C.5/46/SR.51 and 57).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Advance Mission in Cambodia

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Advance Mission in Cambodia 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

Bearing in mind Security Council resolution 717 (1991) of 16 October 1991, by which the Council established the United Nations Advance Mission in Cambodia, and resolution 718 (1991) by which the Council expressed its full support for the agreements on a comprehensive political settlement of the Cambodia conflict, signed in Paris on 23 October 1991, 3/

Recognizing that the costs of the United Nations Advance Mission in Cambodia are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Advance Mission in Cambodia, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Advance Mission in Cambodia by certain Member States,

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1/ A/46/723.

2/ A/46/763.

3/ S/23177.

Mindful of the fact that it is essential to provide the United Nations Advance Mission in Cambodia with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Concurs with the observations, recommendations and conclusions contained in the report of the Advisory Committee on Administrative and Budgetary Questions; 2/

2. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Advance Mission in Cambodia in full and on time;

3. Decides to appropriate an amount of 14,319,200 United States dollars gross (13,967,300 dollars net), inclusive of the amount of 6 million dollars authorized with the concurrence of the Advisory Committee on Administrative and Budgetary Questions for pre-implementation expenses under the terms of General Assembly resolution 44/203 of 21 December 1989 for the operation of the Advance Mission in Cambodia for the period from 1 November 1991 to 30 April 1992, and requests the Secretary-General to establish a Special Account for the Advance Mission in Cambodia in accordance with paragraph 18 of his report; 1/

4. Decides also, as an ad hoc arrangement, to apportion the amount of 14,319,200 dollars gross among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989 and in paragraphs 8 and 9 of resolution 45/269 of 27 August 1991; the scale of assessments for the year 1991 4/ shall be applied against a portion thereof, that is, 6,777,200 dollars gross, being the amount pertaining on a pro rata basis to the period ending 31 December 1991, and the scale of assessments for the year 1992 5/ shall be applied against the balance, that is, 7,542,000 dollars gross, for the period thereafter, 1 January to 30 April 1992, inclusive;

5. Decides further that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 3 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 351,900 dollars approved for the period from 1 November 1991 to 30 April 1992, inclusive; that is, 64,900 dollars, being the amount pertaining on a pro rata basis to the period ending 31 December 1991, and the balance, that is, 287,000 dollars, for the period thereafter, 1 January to 30 April 1992, inclusive;

4/ See resolutions 43/223, 45/256 B and 46/___.

5/ Resolution 46/___.

6. Decides that the Democratic People's Republic of Korea shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Advance Mission in Cambodia shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 5/

7. Decides also that Estonia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Advance Mission in Cambodia shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 5/

8. Decides further that the Federated States of Micronesia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Advance Mission in Cambodia shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 5/

9. Decides that Latvia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Advance Mission in Cambodia shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 5/

10. Decides also that Lithuania shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Advance Mission in Cambodia shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 5/

11. Decides further that the Marshall Islands shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Advance Mission in Cambodia shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 5/

12. Decides that the Republic of Korea shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the United Nations Advance Mission in Cambodia shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 5/

13. Authorizes the Secretary-General to enter into commitments for the Advance Mission in Cambodia at a rate not to exceed 2,070,000 dollars gross (2,000,000 dollars net) per month for the period beyond 30 April 1992 should the Security Council decide to continue the Advance Mission, the said amount to be appropriated among Member States in accordance with the scheme set out in the present resolution;

14. Invites voluntary contributions to the United Nations Advance Mission in Cambodia in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by General Assembly resolution 44/192 A of 21 December 1989;

15. Requests the Secretary-General to take all necessary action to ensure that the United Nations Advance Mission in Cambodia is administered with a maximum of efficiency and economy.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/46/824
20 December 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 118 (b)

FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCES IN THE MIDDLE EAST: UNITED NATIONS INTERIM FORCE IN LEBANON

Report of the Fifth Committee

Rapporteur: Mr. Mahmoud BARIMANI (Islamic Republic of Iran)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-sixth session the item entitled:

"Financing of the United Nations peace-keeping forces in the Middle East:

"(a) United Nations Disengagement Observer Force;

"(b) United Nations Interim Force in Lebanon"

and to allocate it to the Fifth Committee.

2. The Fifth Committee considered sub-item (b) of agenda item 118 at its 55th meeting, on 18 December 1991. It had before it the report of the Secretary-General on the financing of the United Nations Interim Force in Lebanon (A/46/757) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/46/773).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/46/L.10

3. At the 57th meeting, on 20 December 1991, the representative of Canada introduced draft resolution A/C.5/46/L.10.

4. At that meeting, the Committee adopted draft resolution A/C.5/46/L.10 without a vote (see para. 6).

5. Statements and observations made in the course of the Committee's consideration of this sub-item are reflected in the relevant summary records (see A/C.5/46/SR.55 and 57).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Interim Force in Lebanon

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Interim Force in Lebanon, 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

Bearing in mind Security Council resolution 425 (1978) of 19 March 1978, by which the Council established the Force, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was Security Council resolution 701 (1991) of 31 July 1991,

Recalling its resolution S-8/2 of 21 April 1978 on the financing of the Force and its subsequent resolutions thereon, the latest of which was resolution 45/244 of 21 December 1990,

Reaffirming its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such operations involving heavy expenditures,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations.

1/ A/46/757.

2/ A/46/773.

Having regard to the financial position of the Special Account for the United Nations Interim Force in Lebanon, as set forth in the report of the Secretary-General, 1/ and referring to paragraph 11 of the report of the Advisory Committee on Administrative and Budgetary Questions, 2/

Recalling its resolution 34/9 E of 17 December 1979 and the subsequent resolutions in which it decided that the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations should be suspended, the latest of which was resolution 45/244,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Force on a current basis, including reimbursement to current and former troop-contributing States, resulting from the withholding of contributions by certain Member States,

Concerned also that the surplus balances in the Special Account for the Force have, in effect, been drawn upon to the full extent to supplement the income received from contributions for meeting expenses of the Force,

Concerned further that the application of the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations would aggravate the already difficult financial situation of the Force,

1. Decides to appropriate to the Special Account referred to in section I, paragraph 1, of General Assembly resolution S-8/2 the amount of 153,468,000 United States dollars gross (150,684,000 dollars net) authorized and apportioned by the Assembly in paragraphs 2 and 3 of its resolution 45/244 for the operation of the Force from 1 February 1991 to 31 January 1992, inclusive;

2. Authorizes the Secretary-General to enter into commitments for the operation of the Force at a rate not to exceed 13,337,000 dollars gross (13,089,000 dollars net) per month for the period beginning 1 February 1992, should the Security Council decide to continue the Force beyond the period of six months authorized under its resolution 701 (1991), subject to obtaining the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for the actual level of commitments to be entered into for each mandate period that may be approved subsequent to 31 January 1992;

3. Decides, as an ad hoc arrangement, to apportion the amounts referred to in paragraph 2 above among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232

of 1 March 1989, as adjusted by Assembly resolutions 44/192 B of 21 December 1989 and 45/244, and taking into account the scale of assessments for the years 1992, 1993 and 1994; 3/

4. Decides also that the Democratic People's Republic of Korea shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Force shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

5. Decides further that Estonia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Force shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

6. Decides that the Federated States of Micronesia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Force shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

7. Decides also that Latvia shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Force shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

8. Decides further that Lithuania shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Force shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

9. Decides that the Marshall Islands shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Force shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

10. Decides also that the Republic of Korea shall be included in the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232 and that its contribution to the Force shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-sixth session regarding the scale of assessments; 3/

3/ See resolution 46/____.

11. Decides further that, in accordance with regulation 5.2 (c) of the Financial Regulations of the United Nations, the contributions to the Force until 31 January 1992 of the Member States referred to in paragraphs 4 to 10 of the present resolution shall be treated as miscellaneous income to be set off against the apportionments authorized in paragraph 1 above;

12. Decides that the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations shall be suspended in respect of the amount of 8,235,545 dollars, which otherwise would have to be surrendered pursuant to those provisions, this amount to be entered in the account referred to in the operative part of General Assembly resolution 34/9 E and held in suspense until a further decision is taken by the Assembly;

13. Requests the Secretary-General to take all necessary measures to ensure that the Force shall be administered with a maximum of efficiency and economy;

14. Renews its invitation to Member States and other interested parties to make voluntary contributions to the Force both in cash and in the form of services and supplies acceptable to the Secretary-General and also to make voluntary contributions in cash to the Suspense Account established in accordance with resolution 34/9 D of 17 December 1979.

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General Assembly Security Council

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ENGLISH
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GENERAL ASSEMBLY
Forty-sixth session
Agenda item 127
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 December 1991 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a communiqué from the Presidency of the French Republic and the Ministry of Foreign Affairs concerning the judicial inquiry conducted on the attack on the UTA DC-10 of 19 September 1989.

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly, under agenda item 127, and of the Security Council.

(Signed) Jean-Bernard MERIMEE

ANNEX

Communiqué from the Presidency of the French Republic and the Ministry of Foreign Affairs

The judicial inquiry conducted with regard to the attack on the UTA DC-10, which resulted in 171 deaths on 19 September 1989 places heavy presumptions of guilt for this odious crime on several Libyan nationals.

Accordingly, following the summoning of the Ambassador of Libya to France by the Minister of State, Minister for Foreign Affairs, the French Government reiterates its demand that the Libyan authorities cooperate immediately, effectively and by all possible means with French justice in order to help to establish responsibility for this terrorist act.

To that end, France calls upon Libya:

- To produce all the material evidence in its possession and to facilitate access to all documents that might be useful for establishing the truth.

- To facilitate the necessary contacts and meetings, inter alia, for the assembly of witnesses.

- To authorize the responsible Libyan officials to respond to any request made by the examining magistrate responsible for judicial information.

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General Assembly Security Council

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GENERAL ASSEMBLY
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Agenda item 125
MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES

SECURITY COUNCIL
Forty-sixth year

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* This communication is reissued at the request of the Permanent Mission of France to the United Nations.

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General Assembly Security Council

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S/23307
20 December 1991

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 127
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 December 1991 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to enclose:

(a) The text of the statement made by the Lord Advocate of Scotland on 14 November 1991 relating to the investigation into the destruction of a Pan Am airliner over Scotland on 21 December 1988 with the loss of 270 lives (annex I);

(b) The text of the Foreign Secretary's statement on the matter in the British Houses of Parliament on 14 November 1991 (annex II);

(c) The text of a statement issued by the British Government on 27 November 1991 (annex III).

I should be grateful if you would have this letter and its enclosures circulated as a document of the General Assembly, under agenda item 127, and of the Security Council.

(Signed) D. H. A. HANNAY

ANNEX

Announcement by the Lord Advocate of Scotland on 14 November 1991

The Lockerbie investigation has now been in progress for almost three years. In the recent months the Lockerbie investigation team headed by the Chief Constable of Dumfries and Galloway Mr. George Esson and the Senior Investigating Officer Chief Superintendent Stuart Henderson have been reporting to the Procurator Fiscal on the results of the investigation.

In consultation with the United States Attorney General I have concluded there is sufficient evidence to justify application to the Court for warrants for the arrest of named individuals. I instructed the Procurator Fiscal at Dumfries to make the necessary application to the Sheriff and yesterday Mr. MacDougall obtained from him the grant of warrants for the arrest of two Libyan nationals on charges of conspiracy, murder and contravention of the Aviation Security Act 1982.

The two accused are Abdelbaset Ali Mohmed Al Megrahi and Al Amin Khalifa Fhimah.

It is alleged that Megrahi is a senior officer of the Libyan Intelligence Services, holding positions with Libyan Arab Airlines and as Director of the Centre for Strategic Studies in Tripoli at the time of these offences.

It is alleged that Fhimah was also an officer of the Libyan Intelligence Services, holding a position as Station Officer with Libyan Arab Airlines in Malta.

The first charge in the petition is that between 1 January 1985 and 21 December 1988 at the premises occupied by Megrahi and by the Libyan Intelligence Services, in Tripoli, Libya, at a special forces training area, Sabha, Libya, at the premises occupied by the firm Mebo Ag at the Novapark Hotel, Zurich, Switzerland, at the Holiday Inn and the Libyan Cultural Centre, both in Sliema, Malta, at the house occupied by Fhimah at 3 St. John's Flat, Mosta, Malta, at Luqa Airport, Malta, and at the Libyan People's Bureau, East Berlin, German Democratic Republic, and elsewhere in Libya, Malta, Switzerland, Czechoslovakia and the German Democratic Republic.

Being members of the Libyan Intelligence Services, and in particular Megrahi being the Head of Security of Libyan Arab Airlines and thereafter Director of the Centre for Strategic Studies, Tripoli, Libya and Fhimah being the Station Manager of Libyan Arab Airlines in Malta.

Did conspire together and with others to further the purposes of the Libyan Intelligence Services by criminal means, namely the commission of acts of terrorism directed against nationals and the interests of other countries and in particular the destruction of a civil passenger aircraft and murder of its occupants.

And, in pursuance of the conspiracy, while acting in concert together and with others

(a) Between 1 January 1985 and 31 December 1985, at the premises occupied by Mebo Ag, in Zurich, at the premises of the Libyan Intelligence Services, in Tripoli, at the Libyan People's Bureau, East Berlin and elsewhere, they did order, cause to be manufactured and obtain from the firm of Mebo Ag twenty electronic timers capable of detonating explosive devices;

(b) Between 1 January 1985 and 31 July 1986 at the special forces training area at Sabha, Libya, they did cause the effectiveness of such timers to be tested in conjunction with explosives;

(c) Between 20 March 1986 and 31 December 1988, within the offices of Libyan Arab Airlines at Luqa Airport, Malta, and at the said Libyan Cultural Centre, Sliema, and elsewhere in Malta they did have in their possession and under their control a quantity of high performance plastic explosive;

(d) Between 31 July 1987 and 21 December 1988, within the premises occupied by Mebo Ag, in Zurich they did establish and maintain a pretended business under the name Abh as a cover for the operations of the Libyan Intelligence Services;

(e) On 20 February 1988 at Dakar Airport, Senegal, they did cause one of these timers, together with other components of an improvised explosive device, including a quantity of high performance plastic explosive and a firearm and ammunition, to be introduced into Senegal for terrorist purposes;

(f) Between 1 September 1988 and 21 December 1988, at Eucharistic Congress Road, Malta, they did establish and maintain a pretended business to be known as and under the name of Med Tours or Medtours Services Limited, as a cover for the operations of the Libyan Intelligence Services;

(g) Between 1 and 20 December 1988, at the premises occupied by Mebo Ag, in Zurich at the premises occupied by Megrahi and by the Libyan Intelligence Services, in Tripoli and elsewhere in Switzerland and Libya they did order and attempt to obtain delivery of forty further such timers from the firm of Mebo Ag;

(h) Between 1 and 21 December 1988, at Luqa Airport, Malta, or elsewhere in Malta they did unlawfully acquire airline luggage tags;

(i) On 7 December 1988 in the shop premises known as Mary's House at Tower Road, Sliema, Malta, they did purchase a quantity of clothing and an umbrella;

(j) On 20 December 1988 at Luqa Airport, Malta, Megrahi did enter Malta using a passport in the false name of Ahmed Khalifa Abdusamad and they did cause a suitcase to be introduced to Malta;

(k) On 20 and 21 December 1988 Megrahi did reside at the Holiday Inn, Sliema, Malta, under the false identity of Ahmed Khalifa Abdusamad; and

(l) On 21 December 1988 at Luqa Airport, they did place or cause to be placed on board an aircraft of Air Malta Flight KM180 to Frankfurt Am Main Airport, Federal Republic of Germany, the suitcase or a similar suitcase containing clothing and umbrella and an improvised explosive device containing high performance plastic explosive concealed with a radio cassette recorder and programmed to be detonated by one of the electronic timers, having tagged or caused such suitcase to be tagged so as to be carried by aircraft from Frankfurt Am Main via London, Heathrow Airport to New York, John F. Kennedy Airport.

And such suitcase was thus carried to Frankfurt Am Main Airport and there placed on board an aircraft of Pan American World Airways Flight PA103A and carried to London, Heathrow Airport and there, in turn, placed on board an aircraft of Pan American World Airways Flight PA103 to New York, John F. Kennedy Airport.

And the improvised explosive device detonated and exploded on board the aircraft flight PA103 while in flight near to Lockerbie, whereby the aircraft was destroyed and the wreckage crashed to the ground and the 259 passengers and crew and 11 residents of Lockerbie hereof were killed and they did murder them.

The second alternative charge is one of murder on a more restricted basis.

The third alternative charge is that being members of the Libyan Intelligence Services and having, while acting in concert with others, formed a criminal purpose to destroy a civil passenger aircraft and murder the occupants and having obtained possession of and tested the effectiveness of electronic timers and being in possession of and having under their control a quantity of high performance plastic explosive, they did on and between the dates and at the places and by the means stated in the second charge unlawfully and intentionally destroy the aircraft in service and commit on board the aircraft in flight acts of violence which were likely to and did endanger the safety of the aircraft, in respect that they did murder those 270 persons: contrary to the Aviation Security Act 1982, Section 2(1) and (5).

Both accused are believed to be in Libya. The warrants will be circulated through Interpol but it is considered unlikely that they will be arrested in the normal way. A demand is being made to Libya for the surrender of these men for trial.

A simultaneous announcement is being made in Washington by Attorney General Barr following on the handing down of an indictment by a Grand Jury in Washington. The terms of the United States indictment and the Scottish petition have been drawn up in full consultation. Differences between the indictment and petition are explained by differences in our legal systems and procedures and I would wish to make it clear that we are in full agreement on

the allegations made. The charges are essentially identical and are in respect of the same two accused persons.

This does not mark the end of the police investigation, although it plainly marks the most important public development to date in this unique criminal inquiry. I would wish to pay tribute to the outstanding work and ongoing commitment shown by many police officers and agencies not only in this country but throughout the world in their determined efforts to solve this crime.

I would wish to make particular mention of the extraordinary work done by forensic scientists and other specialists.

I remain committed to bring this matter to a proper conclusion in a Court of Law whether it is to be in this country or in the United States.

I must remind the media that for the purposes of the Contempt of Court Act 1981 proceedings became active when Sheriff Barr granted warrants for arrest. The Chief Constable and I cannot and will not comment on the evidence on which these charges are based.

ANNEX II

Statement by the Foreign Secretary, The Rt. Hon. Douglas Hurd, in the House of Commons, 14 November 1991

Mr. Speaker,

With permission, I should like to make a statement about the conclusion of the Lockerbie investigation and its implications.

My noble and learned friend the Lord Advocate has today announced the issue of warrants for the arrest of two Libyan Intelligence Officers against whom, on the basis of the evidence available, the Procurator Fiscal has brought charges alleging their involvement in the destruction of Pan Am Flight 103 on 21 December 1988. The American authorities have taken similar action.

270 people were killed at Lockerbie, 66 of them British. The relatives and friends of these victims have suffered and continue to suffer great pain and sorrow. The House will be thinking of them today.

Mr. Speaker, as the Lord Advocate has said a demand is being made of the Libyan authorities for the surrender of the accused to stand trial. I repeat that demand on behalf of the whole Government. I know the House will unreservedly endorse it.

The accusations levelled at Libyan officials are of the gravest possible kind. As the warrants which the Lord Advocate will be making public make clear, the charges allege that the individuals acted as part of a conspiracy to further the purposes of the Libyan Intelligence Services by criminal means, and that those means were acts of terrorism. This was a mass murder, which is alleged to involve the organs of government of a State. Libyan officials have been accused of this crime not only in Scotland and America but also in France where arrest warrants were issued on 30 October over the destruction of Flight UTA 772 in September 1989. We are consulting the United States and other friendly governments, many of whom lost nationals in Flight Pan Am 103, about the next steps.

I understand that the investigation has revealed no evidence to support suggestion of involvement by other countries. This matter does not therefore affect our relations with other countries in the region.

Let me pay tribute to all of those whose untiring work under the direction of the Lord Advocate over almost three years has produced this remarkable outcome. In particular, I salute the work of the Dumfries and Galloway Constabulary, and all those in many parts of the world who have helped with the gathering of evidence and information. The Government is grateful for all the help given to the investigation in many countries.

We expect Libya to respond fully to our demand for the surrender of the accused. The interests of justice require no less. This fiendish act of wickedness cannot be passed over or ignored.

ANNEX III

Statement issued by the British Government on 27 November 1991

Following the issue of warrants against two Libyan officials for their involvement in the Lockerbie atrocity, the Government demanded of Libya the surrender of the two accused for trial. We have so far received no satisfactory response from the Libyan authorities.

The British and American Governments today declare that the Government of Libya must:

- Surrender for trial all those charged with the crime; and accept complete responsibility for the actions of Libyan officials.

- Disclose all it knows of this crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence, including all the remaining timers.

- Pay appropriate compensation.

We are conveying our demands to Libya through the Italians, as our protecting power. We expect Libya to comply promptly and in full.

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31 December 1991

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GENERAL ASSEMBLY
Forty-sixth session
Agenda item 125
MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES

SECURITY COUNCIL
Forty-sixth year

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Did conspire together and with others to further the purposes of the Libyan Intelligence Services by criminal means, namely the commission of acts of terrorism directed against nationals and the interests of other countries and in particular the destruction of a civil passenger aircraft and murder of its occupants.

And, in pursuance of the conspiracy, while acting in concert together and with others

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(c) Between 20 March 1986 and 31 December 1988, within the offices of Libyan Arab Airlines at Luqa Airport, Malta, and at the said Libyan Cultural Centre, Sliema, and elsewhere in Malta they did have in their possession and under their control a quantity of high performance plastic explosive;

(d) Between 31 July 1987 and 21 December 1988, within the premises occupied by Mebo Ag, in Zurich they did establish and maintain a pretended business under the name Abh as a cover for the operations of the Libyan Intelligence Services;

(e) On 20 February 1988 at Dakar Airport, Senegal, they did cause one of these timers, together with other components of an improvised explosive device, including a quantity of high performance plastic explosive and a firearm and ammunition, to be introduced into Senegal for terrorist purposes;

(f) Between 1 September 1988 and 21 December 1988, at Eucharistic Congress Road, Malta, they did establish and maintain a pretended business to be known as and under the name of Med Tours or Medtours Services Limited, as a cover for the operations of the Libyan Intelligence Services;

(g) Between 1 and 20 December 1988, at the premises occupied by Mebo Ag, in Zurich at the premises occupied by Megrahi and by the Libyan Intelligence Services, in Tripoli and elsewhere in Switzerland and Libya they did order and attempt to obtain delivery of forty further such timers from the firm of Mebo Ag;

(h) Between 1 and 21 December 1988, at Luqa Airport, Malta, or elsewhere in Malta they did unlawfully acquire airline luggage tags;

(i) On 7 December 1988 in the shop premises known as Mary's House at Tower Road, Sliema, Malta, they did purchase a quantity of clothing and an umbrella;

(j) On 20 December 1988 at Luqa Airport, Malta, Megrahi did enter Malta using a passport in the false name of Ahmed Khalifa Abdusamad and they did cause a suitcase to be introduced to Malta;

(k) On 20 and 21 December 1988 Megrahi did reside at the Holiday Inn, Sliema, Malta, under the false identity of Ahmed Khalifa Abdusamad; and

(l) On 21 December 1988 at Luqa Airport, they did place or cause to be placed on board an aircraft of Air Malta Flight KM180 to Frankfurt Am Main Airport, Federal Republic of Germany, the suitcase or a similar suitcase containing clothing and umbrella and an improvised explosive device containing high performance plastic explosive concealed with a radio cassette recorder and programmed to be detonated by one of the electronic timers, having tagged or caused such suitcase to be tagged so as to be carried by aircraft from Frankfurt Am Main via London, Heathrow Airport to New York, John F. Kennedy Airport.

And such suitcase was thus carried to Frankfurt Am Main Airport and there placed on board an aircraft of Pan American World Airways Flight PA103A and carried to London, Heathrow Airport and there, in turn, placed on board an airgraft of Pan American World Airways Flight PA103 to New York, John F. Kennedy Airport.

And the improvised explosive device detonated and exploded on board the aircraft flight PA103 while in flight near to Lockerbie, whereby the aircraft was destroyed and the wreckage crashed to the ground and the 259 passengers and crew and 11 residents of Lockerbie hereof were killed and they did murder them.

The second alternative charge is one of murder on a more restricted basis.

The third alternative charge is that being members of the Libyan Intelligence Services and having, while acting in concert with others, formed a criminal purpose to destroy a civil passenger aircraft and murder the occupants and having obtained possession of and tested the effectiveness of electronic timers and being in possession of and having under their control a quantity of high performance plastic explosive, they did on and between the dates and at the places and by the means stated in the second charge unlawfully and intentionally destroy the aircraft in service and commit on board the aircraft in flight acts of violence which were likely to and did endanger the safety of the aircraft, in respect that they did murder those 270 persons: contrary to the Aviation Security Act 1982, Section 2(1) and (5).

Both accused are believed to be in Libya. The warrants will be circulated through Interpol but it is considered unlikely that they will be arrested in the normal way. A demand is being made to Libya for the surrender of these men for trial.

A simultaneous announcement is being made in Washington by Attorney General Barr following on the handing down of an indictment by a Grand Jury in Washington. The terms of the United States indictment and the Scottish petition have been drawn up in full consultation. Differences between the indictment and petition are explained by differences in our legal systems and procedures and I would wish to make it clear that we are in full agreement on

the allegations made. The charges are essentially identical and are in respect of the same two accused persons.

This does not mark the end of the police investigation, although it plainly marks the most important public development to date in this unique criminal inquiry. I would wish to pay tribute to the outstanding work and ongoing commitment shown by many police officers and agencies not only in this country but throughout the world in their determined efforts to solve this crime.

I would wish to make particular mention of the extraordinary work done by forensic scientists and other specialists.

I remain committed to bring this matter to a proper conclusion in a Court of Law whether it is to be in this country or in the United States.

I must remind the media that for the purposes of the Contempt of Court Act 1981 proceedings became active when Sheriff Barr granted warrants for arrest. The Chief Constable and I cannot and will not comment on the evidence on which these charges are based.

ANNEX II

Statement by the Foreign Secretary, The Rt. Hon. Douglas Hurd, in the House of Commons, 14 November 1991

Mr. Speaker,

With permission, I should like to make a statement about the conclusion of the Lockerbie investigation and its implications.

My noble and learned friend the Lord Advocate has today announced the issue of warrants for the arrest of two Libyan Intelligence Officers against whom, on the basis of the evidence available, the Procurator Fiscal has brought charges alleging their involvement in the destruction of Pan Am Flight 103 on 21 December 1988. The American authorities have taken similar action.

Two hundred seventy people were killed at Lockerbie, 66 of them British. The relatives and friends of these victims have suffered and continue to suffer great pain and sorrow. The House will be thinking of them today.

Mr. Speaker, as the Lord Advocate has said a demand is being made of the Libyan authorities for the surrender of the accused to stand trial. I repeat that demand on behalf of the whole Government. I know the House will unreservedly endorse it.

The accusations levelled at Libyan officials are of the gravest possible kind. As the warrants which the Lord Advocate will be making public make clear, the charges allege that the individuals acted as part of a conspiracy to further the purposes of the Libyan Intelligence Services by criminal means, and that those means were acts of terrorism. This was a mass murder, which is alleged to involve the organs of government of a State. Libyan officials have been accused of this crime not only in Scotland and America but also in France where arrest warrants were issued on 30 October over the destruction of Flight UTA 772 in September 1989. We are consulting the United States and other friendly governments, many of whom lost nationals in Flight Pan Am 103, about the next steps.

I understand that the investigation has revealed no evidence to support suggestion of involvement by other countries. This matter does not therefore affect our relations with other countries in the region.

Let me pay tribute to all of those whose untiring work under the direction of the Lord Advocate over almost three years has produced this remarkable outcome. In particular, I salute the work of the Dumfries and Galloway Constabulary, and all those in many parts of the world who have helped with the gathering of evidence and information. The Government is grateful for all the help given to the investigation in many countries.

We expect Libya to respond fully to our demand for the surrender of the accused. The interests of justice require no less. This fiendish act of wickedness cannot be passed over or ignored.

ANNEX III

Statement issued by the British Government on 27 November 1991

Following the issue of warrants against two Libyan officials for their involvement in the Lockerbie atrocity, the Government demanded of Libya the surrender of the two accused for trial. We have so far received no satisfactory response from the Libyan authorities.

The British and American Governments today declare that the Government of Libya must:

- Surrender for trial all those charged with the crime; and accept complete responsibility for the actions of Libyan officials.

- Disclose all it knows of this crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence, including all the remaining timers.

- Pay appropriate compensation.

We are conveying our demands to Libya through the Italians, as our protecting power. We expect Libya to comply promptly and in full.

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General Assembly Security Council

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S/23308
20 December 1991

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GENERAL ASSEMBLY
Forty-sixth session
Agenda item 127
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 December 1991 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

I have the honour to enclose the following text:

(a) Statement of the Government of the United States regarding the bombing of Pan Am 103;

(b) Joint declaration of the United States and Unite ngdom.

I should be grateful if you would have this letter and its enclosure circulated as an official document of the General Assembly, under agenda item 127, and of the Security Council.

(Signed) Thomas R. PICKERING

ANNEX

Statement issued by the Government of the United States on 27 November 1991 regarding the bombing of Pan Am 103

After the indictments were handed down on 14 November we conveyed them to the Libyan regime. We have also consulted closely with the Governments of France and the United Kingdom and in concert with those two Governments we have the following two declarations to present publicly today.

JOINT DECLARATION OF THE UNITED STATES AND UNITED KINGDOM

The British and American Governments today declare that the Government of Libya must:

- surrender for trial all those charged with the crime; and accept responsibility for the actions of Libyan officials;

- disclose all it knows of this crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence, including all the remaining timers;

- pay appropriate compensation.

We expect Libya to comply promptly and in full.

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GENERAL ASSEMBLY
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MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES

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* This communication is reissued at the request of the Permanent Mission of the United States of America to the United Nations.

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Forty-sixth session
Agenda item 127
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 December 1991 from the Permanent Representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General

We have the honour to circulate herewith the text of a tripartite declaration on terrorism issued by our three Governments on 27 November following the investigaion into the bombings of flights Pan Am 103 and UTA 772.

We should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 127, and of the Security Council.

(Signed) Jean-Bernard P.H.P. MERIMEE
Permanent Representative of France
to the United Nations

(Signed) David HANNAY
Permanent Representative of
the United Kingdom of Great
Britain and Northern Ireland
to the United Nations

(Signed) Thomas R. PICKERING
Permanent Representative of the
United States of America to the
United Nations

ANNEX

Declaration of the United States of America, France and Great Britain on terrorism

The three States reaffirm their complete condemnation of terrorism in all its forms and denounce any complicity of States in terrorism acts. The three States reaffirm their commitment to put an end to terrorism.

They consider that the responsibility of States begins whenever they take part directly in terrorist actions, or indirectly through harbouring, training, providing facilities, arming or providing financial support, or any form of protection, and that they are responsible for their actions before the individual States and the United Nations.

In this connection, following the investigation carried out into the bombings of Pan Am 103 and UTA 772 the three States have presented specific demands to the Libyan authorities related to the judicial procedures that are under way. They require that Libya comply with all these demands, and, in addition, that Libya commit itself concretely and definitively to cease all forms of terrorist action and all assistance to terrorist groups. Libya must promptly, by concrete actions, prove its renunciation of terrorism.

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